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DEC 13 2018

United States District Court
District of Minnesota

CLERK, U.S. DISTRICT COURT
ST. PAUL, MN

Richard Angelo McFee
Plaintiff

U
Warden "Burkhurst"
Captain "Miller"
Agent "Grimsley"
Investigator "Fairley"
Case manager "Oron"
Defendants

Complaint
Civil Action # _____

Defendants are being sued
In their Official & individual
Capacity.

Plaintiff request for A
Jury trial

SCANNED
CYK
DEC 14 2018
U.S. DISTRICT COURT ST. PAUL

Jurisdiction and venue

1) This is a Civil action authorized by 42 U.S.C Section 1983 to redress the deprivation under color of State law, of rights Secured by the Constitution of The United States. The Court has Jurisdiction under 28 U.S.C Section 1331 and 1343(a)(3). Plaintiff Seeks declaratory relief Pursuant to 28 U.S.C Section 2201 and 2202. Plaintiff Claims for injunctive relief are authorized by 28 U.S.C. Section 2283 & 2284 and Rule 65 of The Federal rules of Civil Procedure.

2) The District Of Minnesota is an appropriate Venue under 28 U.S.C Section 1391(b)(2) because it is where the Events giving rise to this Claim occurred. "P."(1)

3) Plaintiff Richard Angelo McFee, is and was at all times mentioned herein A Prisoner of the state of Minnesota in the Custody of The Federal Bureau of Prisons As he was Confined At United States Federal Medical Center-Rochester MN.

4) Defendant Grimsley is the Special Investigator Agent At FMC-Rochester, He is legally Responsible For all illegal events, operation, staff Misconduct At the institutions

5) Defendant "Acting Warden Burkhardt" is the Warden of Fmc-Rochester MN, He is legally responsible For The operation Of Fmc-Rochester MN and For the welfare of all the Prisoners And Prison officials.

6) Defendant "Captain Mills" is the Captain of Fmc-Rochester MN, is legally responsible For the Custody And operation At Fmc-Rochester,

7) Defendant "Fairley" is the facility investigation official He is legally responsible for all investigation including but not limited to Prisoner misconduct, Staff misconduct And keeping the institution A Drug free, Crime free Work Place

8) Defendant "Orch" is A Correctional Casemanger, he is legal Responsible Prisoner added to his case file Prisoners Programming, Release Planing and Sometimes Assist in A Disciplinary officer At Prisoners Hearings.

9) Each Defendant is being sued individually and in their official capacity. At all times mentioned in this Complaint each Defendant acted under color of state law.

10)

Facts

I) On September 26, ²⁰¹⁷ Special Agents Grisomley And Fairley Sexually Sodomized Plaintiff With A wooden Toilet Plunger After Plaintiff refused to Provide both Agents with information Concerning A Physical alteration between Plaintiff And Prisoner Jones. ~~After~~

II) After the Assault Plaintiff Was injured which Plaintiff Was bleeding from out of his rectal one stop with major Pain That Was inadequately Address by Prison medical officials.

III) The Actions of these Agents were not necessary or reasonable to maintain Prison discipline because Plaintiff Was Belly Chained by A Martin Chin And Both of Plaintiff Feet Was Shackle together in leg Irons During the interview where the Assault Took Place.

IV) The events of the Assault Took place on Medical Hospital Care unit Q-3 on 9/26/2017 in the South Hallway interview room Across from the Nursing Station on Unit Q-3 which occurred at or about 9AM - 10AM After Administration Rounding on medical Ward Q-3

10)

III) After informing Correctional Casemanger Oran And Warden Burkurst and Captain Miller what happen, Casemanger "Oran" Wrote me A incident report for lying And took my phone and visiting Privileges for 1 month.

III) after informing Warden Burkurst and Captain miller, both Burkurst and miller Came to my room on Ward 9-3 A few weeks later And Threaten to transfer me so far away that I wont receive the Surgery I was to have At The St Mary's Mayo Clinic if I Continued to send e-mails To the Department of Justice informing them of the Sexually Assault or Anybody else. on 11/17/17 I Contacted my Aunty Theresa Malloy in Atlanta GA; And informed her of the Assault and 3 weeks later I was transferred to Federal medical center Danvers in Devens Massachusetts.

II) upon ~~the~~ information and Belief, After the Assault around October 10 to 11th Prisoner Terrence Braham Reg# 44878-C07 Askin he was I Yelling in the office the two Agents had me in on unit 9-3, I told him Yes, he Ask what went on I informed him that Agents Grimsley And Fairley Sodiumized me with A Toilet Plunger for Not talking, he Said that he was the one who knock on the Door to distract them And informed me if I Needed him for Anything to take his name and Number which I did. "P"(4)

(12)

I) After the Sexual Assault occurred, I informed Casemanger "Oron" that I was Sexually Assaulted And Submarized with A toilet Plunger by Agents/Defendant Grimsley And Fairley, Casemanger "Oron" told me that I'm lying And Wrote me A incident report and Sanctioned me by taking my Visitation And Phone Privileges.

II) after requesting For medical Attention from the injuries I Received from the Sexual Assault, I Was Denied Adequate examination And Imprived Transferred To Federal Medical Center Ft Devens located in Devens Massachusetts.

13) Plaintiff McFee used the Prisoner grievance Procedure Available At all Federal institutions under the Prison Rape elimination Act (PREA) I Contacted The united States Department of Justice to report the Problem, I used the Prisoners Computer to file the PREA Complaint on or about November of 2017, Plaintiff McFee Presented the facts relating to this Complaint, on or about February of 2018 The Department of Justice Came to Fmc-Devens to interview me for the Sexual Assault upon Information and Belief, A report From the New York District Mr Daniel Wagner Informed Plaintiff McFee to not to talk to Any law enforcement Agents till his legal team Come to Fmc-Devens to Interview Plaintiff.

"P"5 (b) Continue on Page 6 →

A)

14) Defendants Gramsley and Fairley use of excessive Force Violated Plaintiff rights and Constituted Cruel and unusual Punishment under the Eighth Amendment of the United States Constitution.

B) Defendants Berkhurst, Miller and Orrn deliberate-indifference to Plaintiff Serious medical needs and Retaliating Against Plaintiff by Writing Plaintiff A incident report And transferring Plaintiff to Another Federal medical Center to deprive Plaintiff of A life Threaten Surgery for Plaintiff Crunk's Disease issues Violated Plaintiff rights and Constituted Cruel and unusual Punishment under the Eighth Amendment of the United States Constitution.

15) Plaintiff recite and incorporate by reference Paragraphs 1 - 13

16)

"Prayer for Relief"

Wherefore, Plaintiff McFee respectfully Prays that This Court enter Judgment granting Plaintiff McFee A declaration that the Acts and Omissions described herein Violated Plaintiff McFee Constitution and laws of the United States,

17) Plaintiff McFee request for Compensatory damages in the amount of (1) one million dollars Against each defendants, Jointly and Severally

"P" (16) Continue on Page 7 →

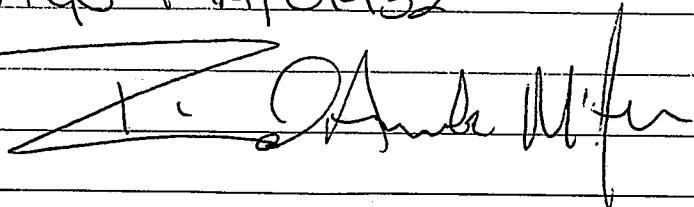
18) A Jury ~~to sit~~^{trial} on all issues triable by Jury.

19) Plaintiff McFee Costs in this Suit

20) And additional relief this Court deems just, Proper, and equitable

Dated November 29th 2013

Respectfully Submitted
Richard Angelo McFee
Federal Medical Center-Deerfield
Po Box 879
Ayer MA, 01432


Richard Angelo McFee

Verification

I have read the foregoing Complaint and
hereby Verify that the Matters alleged therein
are true, except as to matters alleged on
Information and belief, And, As to those, I
believe them to be true, I certify under
Penalty of Perjury that the foregoing is true
and Correct.

Executed At City of Devens
State of MASSACHUSETTS on November 29th
2018.

Richard Angelo McFee

Richard Angelo McFee

Defendants, Names, Entity, employer, Addresses

Defendant #1

Name - Mr Grimsley
Entity - Special Investigation Agent (SIA)
Employer - Federal Medical Center-Rochester Minnesota
Address - PO Box 4000, Rochester MN 55903

Defendant #2

Name - Mr Fairley
Entity - Special investigation Services (SIS)
Employer - Federal Medical Center, Rochester Minnesota
Address - PO Box 4000, Rochester MN 55903

Defendant #3

Name - Mr Burkhardt
Entity - Warden At time of event
Employer - Federal Medical Center-Rochester Minnesota
Address - PO Box 4000, Rochester MN 55903

Defendant #4

Name - Mr Oran
Entity - Correctional Caseworker Building 10
Employer - Federal Medical Center-Rochester Minnesota
Address - PO Box 4000, Rochester MN 55903

Defendant #5

Name - Mr Miller
Entity - Facility Captain
Employer - Federal Medical Center-Rochester Minnesota
Address - PO Box 4000, Rochester MN 55903